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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 -vs-

10 DOMINGO JACOBO-CASTILLO,
11 Defendant.

NO. CR-04-2049-WFN-1

ORDER

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13 Pending before the Court are Mr. Jacobo's filing "In Admiralty" Under Mandatory
14 Rule 13 . . . (ECF No. 109), Administrative Notice and Demand for Identification and
15 Credentials (ECF No. 108), and Motion to Depart Downward Under More Lenient Sentences
16 . . . (ECF No. 107). First, the Court notes that the titles given to ECF No. 109 and ECF
17 No. 108 have no bearing on anything related to Mr. Jacobo's criminal case. Further, any
18 requests/demands made in those filings are improper in this case. In ECF No. 109, despite
19 his references to the case being "In Admiralty," Mr. Jacobo appears to be challenging federal
20 jurisdiction beyond the Washington, DC area. It is well established, as stated in the Court's
21 April 23, 2013 Order, ECF No. 106, that this Court has jurisdiction over violations of federal
22 law. In Mr. Jacobo's Motion to Depart . . . he appears to be asking the Court to depart
23 downward retroactively to take into account changes in the Guidelines. Unless a change is
24 specifically made retroactive, the Court does not have the discretion to amend sentences
25 retroactively. The amendment removing the recency points from consideration in calc-
26 ulation of criminal history is not retroactive. Even if it were, the Court notes that Mr. Jacobo

1 was sentenced to the mandatory minimum sentence, so the Court does not have discretion
2 to lower his sentence beyond the mandatory minimum regardless of the outcome of guideline
3 calculations.

4 Lastly, the Court notes that Mr. Jacobo's filings are confusing and difficult to follow.
5 If Mr. Jacobo has a legitimate motion to file, he must clearly state the relief sought and the
6 reason why the Court should grant the relief. Mr. Jacobo is reminded that his case is a
7 criminal case and that motions in admiralty or administrative procedures have no place. The
8 Court has reviewed the file and Motion(s) and is fully informed. Accordingly,

9 **IT IS ORDERED** that Defendant's Motion to Depart Downward . . . , filed June 3,
10 2013, **ECF No. 107**, is **DENIED**.

11 The District Court Executive is directed to file this Order and provide copies to Mr.
12 Jacobo and counsel of record.

13 **DATED** this 13th day of June, 2013.

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16 06-13-13

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE